

1 BARRY J. PORTMAN  
2 Federal Public Defender  
3 REBECCA SULLIVAN SILBERT  
4 Assistant Federal Public Defender  
5 555 - 12th Street  
6 Suite 650  
7 Oakland, CA 94607-3627  
8 Telephone: (510) 637-3500

9 Counsel for Defendant LILLY

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11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13

14 UNITED STATES OF AMERICA, ) No. 4-06-70440 WDB  
15 vs. )  
16 Plaintiff, ) STIPULATION AND ORDER  
17 ) CONTINUING DATE FOR PRELIMINARY  
18 ) HEARING OR ARRAIGNMENT FOR  
19 ) JEANNE LILLY  
20 JEANNE LILLY, )  
21 ) Current Date: September 7, 2006  
22 ) Defendant. ) Requested Date: October 19, 2006  
23 )  
24 )  
25 )  
26 )

27 Jeanne Lilly is scheduled to appear for preliminary hearing or arraignment on September  
28 7, 2006. The parties have reached a resolution of this matter, but the plea agreement must be  
29 approved by Washington, D.C.. This approval process is generally slow, and approval will not  
30 be obtained by September 7. Therefore, the parties stipulate and agree, and respectfully request,  
31 that the date for preliminary hearing or arraignment be continued to October 19, 2006.

32 Ms. Lilly has a right under Federal Rule of Criminal Procedure 5.1 to a preliminary  
33 hearing or indictment within 20 days. Ms. Lilly and counsel have discussed that right, and Ms.  
34 Lilly desires to waive that right. Good cause for the extension exists because of the delay in  
35 receiving approval for the plea agreement. In addition, Ms. Lilly has a right under 18 U.S.C. §  
36 3161(b) to be indicted within thirty days. Ms. Lilly and counsel have discussed that right, and

1 Ms. Lilly desires to exclude time between September 7, 2006 and October 19, 2006 under 18  
 2 U.S.C. § 3161(h)(8)(A) and (B)(iv) because of the delay in approval. In addition, counsel for  
 3 Ms. Lilly will be out of town on September 28 and 29, out of the state from October 6 through  
 4 the 13<sup>th</sup>, and has a Ninth Circuit argument on October 17. These scheduling issues will make  
 5 counsel unavailable, and therefore provide another basis for excluding time. The parties  
 6 stipulate that the ends of justice served by the granting of this continuance outweigh the best  
 7 interests of the public and Ms. Lilly in a speedy indictment and trial.

8 SO STIPULATED.

/S/

9 Date: 9/05/06

Rebecca Silbert  
 Assistant Federal Public Defender  
 Counsel for Ms. Lilly

12 Date: 9/06/06

George Bevan  
 Assistant United States Attorney

14 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
 “conformed” signature (/S/) within this efiled document.

15 In light of the stipulation of the parties, and because of the counsel’s unavailability and  
 16 the delay in the plea agreement, the Court HEREBY ORDERS that the date for preliminary  
 17 hearing or arraignment, as applied to Jeanne Lilly, be continued to October 19, 2006. The Court  
 18 further orders that time be excluded from September 7, 2006 to October 19, 2006, pursuant to 18  
 19 U.S.C. § 3161(h)(8)(A) and (B)(iv), and finds that the ends of justice served by granting the  
 20 continuance outweigh the best interests of the public and Ms. Lilly in a speedy indictment and  
 21 trial. The Court further finds that the continuance is necessary for effective preparation of  
 22 counsel because of the delay in the plea agreement, and for continuity of counsel because of  
 23 counsel’s unavailability.

24 Dated: September 6, 2006

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Stip. to Continue PX to 10/19, 4-06-70440

